

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 4:18-cr-533-DPM

BRANDON RASHAUD RILEY
Reg. No. 28839-009

DEFENDANT

ORDER

Riley moves to reduce his sentence based on amendments to the Sentencing Guidelines. When he was sentenced, he received two criminal history points because he was on parole when he committed his new crime. He would only receive one point under the amended Guidelines. This change, however, does not affect his sentencing range. Riley still has thirteen criminal history points, meaning he remains in criminal history category VI.

There are additional reasons why Riley is not entitled to a sentence reduction. Riley faced a fifteen-year mandatory minimum for being a felon in possession. The United States agreed to allow him to plead to a new charge without a mandatory minimum in a superseding information. In return, the parties agreed to jointly recommend a ten-year sentence, which ended up being a slight upward variance from Riley's sentencing range. Riley also waived his right to have his sentence modified based on a change to the guidelines.

Doc. 22 at 3. The Court accepted the parties' joint sentencing recommendation.

All material things considered, Riley's motion, *Doc. 40*, is denied. His embedded motion for an appointed lawyer is denied, too.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

2 February 2024